

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7 Bankruptcy

Debtor.

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Randall L. Seaver, Trustee,

ADV Case No.11-\_\_\_\_\_

Plaintiff,

vs.

**ADVERSARY COMPLAINT**

Spring Hill Golf Club,

Defendant.

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Plaintiff Randall L. Seaver, Chapter 7 Trustee ("**Trustee**"), for his Complaint against Defendant Spring Hill Golf Club ("**Spring Hill**"), states and alleges as follows:

1. Plaintiff is the Chapter 7 trustee for bankruptcy estate of Debtor Dennis E. Hecker ("**Debtor**").
2. Spring Hill is a Minnesota corporation which operates as a private golf club.
3. This is a core proceeding under 28 U.S.C. §157.
4. This Complaint is brought under Bankruptcy Rule 7001, and this action arises under 11 U.S.C. §§547 and 550, and other applicable federal law and state law. This Court has jurisdiction over this adversary proceeding, and this adversary proceeding is authorized under 28 U.S.C. §§157 and 1334, Bankruptcy Rule 7001 and Local Rule 1070-1.
5. In January 2009, Spring Hill sent the Debtor an invoice for 2009 member dues of \$10,422.75. See January 2009 invoice attached as Exhibit A.

6. On April 20, 2010, the Debtor paid Spring Hill the annual membership dues plus finance charges of \$315.03, for a total of \$10,737.78 (the "**Transfer**"). See, February, March and June 2009 invoices attached as Exhibit B.

7. On June 4, 2009, the Debtor filed his voluntary Chapter 7 petition and the Trustee was appointed to administer the bankruptcy estate.

8. Although duly demanded, Spring Hill has failed or refused to return the Transfer to the Trustee.

9. The Transfer constituted a transfer of the Debtor's property.

10. The Debtor made the Transfer to Spring Hill on account of an antecedent debt owed to Spring Hill.

11. The Debtor was insolvent at the time of the Transfer or is presumed to have been insolvent.

12. The Transfer enabled Spring Hill to recover more than it would receive as a creditor in this Chapter 7 case.

13. The Trustee may avoid the Transfer to Spring Hill under 11 U.S.C. §547(b) and may recover \$10,737.78, the value of the Transfer, for the bankruptcy estate under 11 U.S.C. §550(a).

**WHEREFORE**, Plaintiff respectfully requests that the Court enter an Order and Judgment against Defendant Spring Hill as follows:

1. Awarding Randall L. Seaver, Trustee, a money judgment against Spring Hill Golf Club in the amount of \$10,737.78 under 11 U.S.C. §§547 and 550;

2. Awarding Plaintiff all costs, disbursements and attorneys' fees allowed by law; and such other relief as the Court deems just and equitable in the premises.

**LEONARD, O'BRIEN  
SPENCER, GALE & SAYRE, LTD.**

/e/ Andrea M. Hauser

Dated: May 24, 2011

By \_\_\_\_\_

Andrea M. Hauser, #207469

100 South Fifth Street, Suite 2500

Minneapolis, Minnesota 55402-1234

(612) 332-1030

[ahauser@loggs.com](mailto:ahauser@loggs.com)

Attorneys for Randall L. Seaver, Trustee

439268

**SPRING HILL GOLF CLUB**

725 County Road 6  
Wayzata, Minnesota 55391  
(952) 473-1500

statement

Mr. & Mrs. Dennis Hecker  
Walden Automotive Group, Inc.  
500 Ford Road  
Mpls., MN 55426

167
<b>MEMBER NO.</b>

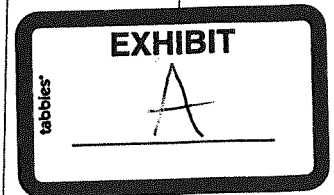
Jan 31/09
<b>DATE</b>

AMOUNT PAID \$ 10,422.75

*Thank You*

PLEASE DETACH AND RETURN TOP PORTION WITH PAYMENT

DATE	REF. NO.	DESCRIPTION	AMOUNT	SERVICE CHARGE	TAX	TOTAL
Jan 8/09	49	2009 Member Dues	9,750.00	0.00	672.75	10,422.75
This is The only Billing received for 2009 Dues.						
			9,750.00	0.00	672.75	10,422.75



Please remember all payments are due in full by the 20th of each month.

167	10,422.75	0.00	0.00	0.00	10,422.75
<b>MEMBER NO.</b>	<b>CURRENT BAL.</b>	<b>30 DAYS BAL.</b>	<b>60 DAYS BAL.</b>	<b>90 DAYS BAL.</b>	<b>AMOUNT DUE</b>

**SPRING HILL GOLF CLUB**

Dues and contributions to the club are not tax deductible.  
Service charge is the property of the club, not the employee.

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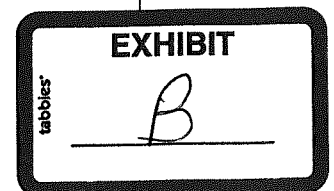
Feb 28/09
<b>DATE</b>

AMOUNT PAID \$ 10,579.09

*Thank You*

PLEASE DETACH AND RETURN TOP PORTION WITH PAYMENT

DATE	REF. NO.	DESCRIPTION	AMOUNT	SERVICE CHARGE	TAX	TOTAL
Feb28/09	89	Balance Forward				10,422.75
		Finance Charge	156.34	0.00	0.00	156.34
			156.34	0.00	0.00	10,579.09



Please remember all payments are due in full by the 20th of each month.

167	156.34	10,422.75	0.00	0.00	10,579.09
<b>MEMBER NO.</b>	<b>CURRENT BAL.</b>	<b>30 DAYS BAL.</b>	<b>60 DAYS BAL.</b>	<b>90 DAYS BAL.</b>	<b>▲ AMOUNT DUE ▲</b>

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Mpls., MN 55426

167
<b>MEMBER NO.</b>

Mar 31/09
<b>DATE</b>

10,737.78  
AMOUNT PAID \$

*Thank You*

PLEASE DETACH AND RETURN TOP PORTION WITH PAYMENT

DATE	REF. NO.	DESCRIPTION	AMOUNT	SERVICE CHARGE	TAX	TOTAL
Mar31/09	15	Balance Forward				10,579.09
		Finance Charge	158.69	0.00	0.00	158.69
			158.69	0.00	0.00	10,737.78

Please remember all payments are due in full by the 20th of each month.

167	158.69	156.34	10,422.75	0.00	10,737.78
<b>MEMBER NO.</b>	<b>CURRENT BAL.</b>	<b>30 DAYS BAL.</b>	<b>60 DAYS BAL.</b>	<b>90 DAYS BAL.</b>	<b>▲ AMOUNT DUE ▲</b>

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500 Ford Road  
Mpls., MN 55426

167
<b>MEMBER NO.</b>

Jun 30/09
<b>DATE</b>

0.00  
AMOUNT PAID \$

*Thank You*

PLEASE DETACH AND RETURN TOP PORTION WITH PAYMENT

DATE	REF. NO.	DESCRIPTION	AMOUNT	SERVICE CHARGE	TAX	TOTAL
Jun30/09		Balance Forward				32.00
		Payment Received - Thank You				-32.00
		CK# 5053				
			0.00	0.00	0.00	0.00

Please remember all payments are due in full by the 20th of each month.

167	0.00	0.00	0.00	0.00	0.00
<b>MEMBER NO.</b>	<b>CURRENT BAL.</b>	<b>30 DAYS BAL.</b>	<b>60 DAYS BAL.</b>	<b>90 DAYS BAL.</b>	<b>▲ AMOUNT DUE ▲</b>

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